By:  Hall, et al. S.B. No. 601

(In the Senate - Filed February 7, 2019; February 21, 2019, read first time and referred to Committee on Veteran Affairs & Border Security; March 26, 2019, reported favorably by the following vote: Yeas 7, Nays 0; March 26, 2019, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Campbell        X

Hall            X

Johnson         X

Lucio           X

Menéndez        X

Schwertner      X

Seliger         X

A BILL TO BE ENTITLED

AN ACT

relating to the continuation and functions of the Texas Veterans Commission.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Section 434.002(a), Government Code, is amended to read as follows:

(a)  The Texas Veterans Commission is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission is abolished September 1, 2031 [~~2019~~].

SECTION 2.  Section 434.0061, Government Code, is amended by amending Subsection (b) and adding Subsection (d) to read as follows:

(b)  The training program must provide the person with information regarding:

(1)  the law governing commission operations [~~legislation that created the commission~~];

(2)  the programs, functions, rules, and budget of the commission;

(3)  the results of the most recent formal audit of the commission;

(4)  the requirements of:

(A)  laws relating to open meetings, public information, administrative procedure, and disclosure of conflicts of interest; and

(B)  other laws applicable to members of a state policymaking body in performing their duties;

(5)  any applicable ethics policies adopted by the commission or the Texas Ethics Commission; and

(6)  the scope of and limitations on the rulemaking authority of the commission.

(d)  The executive director of the commission shall create a training manual that includes the information required by Subsection (b). The executive director shall distribute a copy of the training manual annually to each member of the commission. On receipt of the training manual, each member of the commission shall sign and submit to the executive director a statement acknowledging receipt of the training manual.

SECTION 3.  Section 434.007, Government Code, is amended to read as follows:

Sec. 434.007.  DUTIES. (a)  The commission shall:

(1)  compile federal, state, and local laws enacted to benefit members of the armed forces, veterans, and their families and dependents;

(2)  collect information relating to services and facilities available to veterans;

(3)  cooperate with veterans service agencies in the state;

(4)  inform members and veterans of the armed forces, their families and dependents, and military and civilian authorities about the existence or availability of:

(A)  educational training and retraining facilities;

(B)  health, medical, rehabilitation, and housing services and facilities;

(C)  employment and reemployment services;

(D)  provisions of federal, state, and local law affording rights, privileges, and benefits to members and veterans of the armed forces and their families and dependents; and

(E)  other similar, related, or appropriate matters;

(5)  assist veterans and their families and dependents in presenting, proving, and establishing claims, privileges, rights, and benefits they may have under federal, state, or local law;

(6)  cooperate with all government and private agencies securing services or benefits to veterans and their families and dependents;

(7)  investigate, and if possible correct, abuses or exploitation of veterans or their families or dependents, and recommend necessary legislation for full correction;

(8)  coordinate the services and activities of state departments and divisions having services and resources affecting veterans or their families or dependents;

(9)  provide training and certification of veterans county service officers and assistant veterans county service officers in accordance with Section 434.038;

(10)  through surveys or other reasonable and accurate methods of estimation, collect and maintain for each county in the state the number of servicemembers and veterans residing in the county and annually update and publish the information on the commission's website; [~~and~~]

(11)  with the assistance and cooperation of the comptroller, inform and assist veterans and their families and dependents with respect to discovering and initiating claims for unclaimed property held by the United States Department of Veterans Affairs;

(12)  annually evaluate and set priorities for each program administered by the commission to meet the changing needs of veterans in this state;

(13)  annually set concrete goals for staff and measure the staff's performance; and

(14)  establish success measures and corresponding targets for each program administered by the commission and report the program's progress in meeting the measures and targets in:

(A)  any annual internal report for that program; and

(B)  the commission's strategic plan under Section 2056.002.

(b)  In setting priorities under Subsection (a)(12), the commission shall consider:

(1)  the existing strategic plan under Section 2056.002 and the needs assessment under Section 434.017(c-1);

(2)  complaint data;

(3)  performance outcomes;

(4)  veteran survey results;

(5)  staff input; and

(6)  any other available information.

SECTION 4.  Section 434.0078, Government Code, is amended by amending Subsection (a) and adding Subsections (c), (d), (e), and (f) to read as follows:

(a)  The commission shall adopt procedures for administering claims assistance services under Section 434.007(a)(5) [~~434.007(5)~~]. The procedures shall include:

(1)  criteria for determining when a veteran's initial claim is substantially complete and basic eligibility requirements are met as provided by federal law;

(2)  a process for expediting a claim based on hardship, including whether the veteran:

(A)  is in immediate need;

(B)  is terminally ill;

(C)  has a verifiable financial hardship; or

(D)  has a disability that presents an undue burden;

(3)  a procedure for counseling veterans on the potential merits or drawbacks of pursuing a claim;

(4)  a process to ensure adequate documentation and development of a claim or appeal, including early client involvement, collection of needed evidence and records, and analysis of actions necessary to pursue and support a claim or appeal;

(5)  criteria for evaluating whether a decision of the United States Department of Veterans Affairs contains sufficient cause for filing an appeal;

(6)  a requirement that a claims counselor report to the United States Department of Veterans Affairs if the counselor has direct knowledge that a claim contains false or deceptive information; and

(7)  a procedure for prioritizing a claim, when appropriate, or providing an alternative source for obtaining claims assistance services when it is not appropriate to prioritize.

(c)  The commission shall regularly evaluate claims assistance services staffing to determine where counselors and special team staff are most needed. The evaluation must include the:

(1)  workload of staff;

(2)  number of veterans denied claims assistance services; and

(3)  quality of claims prepared at each of the claims assistance services offices.

(d)  The commission shall regularly evaluate the needs and performance of any special claims assistance resources provided by the legislature, including the state strike force team and the fully developed claims team, and request to adjust staffing for those resources as appropriate.

(e)  The commission shall regularly collect detailed information on the outcome of claims and use that information to evaluate and improve claims assistance services. The commission, at a minimum, shall track and evaluate the following information by claims district:

(1)  the quality of claims submitted to the state strike force team;

(2)  the percentage of claims developed through claims assistance services that are processed as fully developed claims by the United States Department of Veterans Affairs;

(3)  the success rate of claims and appeals developed through claims assistance services; and

(4)  the average processing time for claims and appeals by the United States Department of Veterans Affairs.

(f)  In documenting the success rate of claims and appeals as required by Subsection (e), the commission shall include in a consolidated report each claim, the corresponding decision by the United States Department of Veterans Affairs, and the status and outcome of any appeal.

SECTION 5.  Section 434.017, Government Code, is amended by adding Subsection (c-4) to read as follows:

(c-4)  The commission shall publish the most recent needs assessment under Subsection (c-1) on the commission's Internet website.

SECTION 6.  Section 434.033, Government Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b)  To be appointed as an officer a person must:

(1)  be qualified by education and training for the duties of the office; and

(2)  be experienced in the law, regulations, and rulings of the United States Department of Veterans Affairs controlling cases that come before the commission[~~; and~~

[~~(3)  have the service experience specified by Subsection (c) or be:~~

[~~(A)  a widowed Gold Star Mother or unremarried widow of a serviceman or veteran whose death resulted from service;~~

[~~(B)  the spouse of a disabled veteran who has a total disability rating based either on having a service-connected disability with a disability rating of 100 percent or on individual unemployability; or~~

[~~(C)  the spouse of a retired veteran who served a minimum of 20 years on active duty~~].

(b-1)  In appointing an officer, the commissioners court shall give preference to a veteran who qualifies for a veteran's employment preference under Chapter 657. A commissioners court shall adopt and implement a county policy to give preference in appointing officers to veterans.

SECTION 7.  Section 434.033(c), Government Code, is repealed.

SECTION 8.  Not later than December 1, 2019, the Texas Veterans Commission shall complete the initial annual evaluation of and set priorities for each program administered by the commission as required by Section 434.007(a)(12), Government Code, as added by this Act.

SECTION 9.  (a)  Not later than December 1, 2019, the Texas Veterans Commission shall establish success measures and corresponding targets for each program administered by the commission as required by Section 434.007(a)(14), Government Code, as added by this Act.

(b)  Not later than February 1, 2020, the commission shall include the success measures and corresponding targets described by Subsection (a) of this section and any preliminary data from those measures in any annual internal reports for those programs.

(c)  Not later than June 1, 2020, the commission shall include in the commission's strategic plan under Section 2056.002, Government Code, the success measures and corresponding targets described by Subsection (a) of this section.

SECTION 10.  The changes in law made by this Act to Section 434.033, Government Code, apply only to the appointment of a veterans county service officer that occurs on or after the effective date of this Act. A person who is serving as a veterans county service officer immediately before the effective date of this Act may continue to serve for the remainder of the officer's term, and that officer's qualifications for serving as an officer for that term are governed by the law in effect immediately before the effective date of this Act.

SECTION 11.  This Act takes effect September 1, 2019.

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